

DEC 19 2005

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF VIRGINIA  
Danville Division

JOHN F. CORCORAN, CLERK  
BY: *Sean P. Kelly*  
DEPUTY CLERK

DENNIS L. WOMACK, )  
Plaintiff, )  
v. ) Civil Action No. 4:05CV00058  
CITIFINANCIAL MORTGAGE, )  
COMPANY, INC., )  
Defendant. )

**ORDER GRANTING DEFENDANT CITIFINANCIAL MORTGAGE  
COMPANY, INC.'S MOTION TO DISMISS**

This matter came before the Court on the Motion of Defendant CitiFinancial Mortgage Company, Inc. to dismiss the "Petition of Protest," *i.e.*, Motion for Judgment, filed herein by Plaintiff Dennis L. Womack for failure to state a claim upon which relief may be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

IT APPEARING TO THE COURT that the Motion for Judgment fails to state a claim upon which relief may be granted and that the Motion should be granted;

NOW, THEREFORE, finding that cause exists for the relief requested herein, and finding it reasonable and necessary to do so, it is hereby

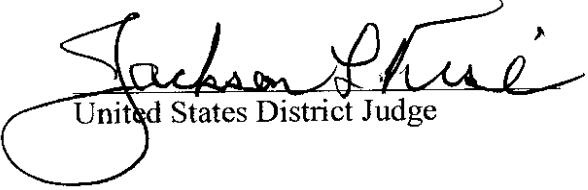
ADJUDGED, ORDERED, and DECREED that the Motion for Judgment be and hereby is dismissed; and it is further

ADJUDGED, ORDERED, and DECREED that Plaintiff shall have leave to file an Amended Complaint within twenty (20) days from the date of entry of this Order, and Defendant

shall have twenty (20) days after being served with the Amended Complaint within which to file pleadings in response to the Amended Complaint.

The Clerk is directed to send a copy of this Order to those persons identified on the attached mailing list.

ENTERED in this 19<sup>th</sup> day of December, 2005.



United States District Judge

**COPIES TO:**

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